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Cayman Islands

Working paper prepared by the Secretariat

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I. General

1. The Cayman Islands[1] are located some 180 miles west of Jamaica and about the same distance south of Cuba. They comprise three islands: Grand Cayman (76 square miles), Cayman Brac (some 90 miles to the north-east) (15 square miles) and the adjacent and largely undeveloped Little Cayman (11 square miles). In the last census, conducted in 1989, the total population was recorded as 25,355, the majority of whom live in Grand Cayman, with some 1,500 in Cayman Brac and some 30 in Little Cayman. The 1994 population estimate was 31,930.

2. Social and racial harmony are key features of the way of life of the Cayman Islands. This is partly due to the fact that the people of the Cayman Islands have ancestors from Europe and Africa. Another contributing factor is the level of migration. Only just over one half of the residents (13,202 or 52 per cent) reported in the 1989 census that they had been born in the Cayman Islands. The second most common country of birth was Jamaica, accounting for 4,829 residents. Overall, the cosmopolitan nature of the population is well illustrated by the fact that some 120 different countries of birth outside the Cayman Islands were recorded in that census.

II. Constitutional and political developments

3. The governing National Team contested the election, which took place on 11 November 1996, in the Legislative Assembly. It won nine seats, reducing its previous majority by two seats. In addition two other political groups contested – Team Cayman and the Democratic Alliance, which won two seats and one seat respectively. While the National Team fought the elections on its election record, the Team Cayman questioned the Government's management of public debt and the financial health of Cayman Airways. [2]

4. There were slight changes to Ministers' portfolios. It will be recalled that the Cayman Islands, unlike the five other British-administered Territories in the Caribbean, has neither a Chief Minister nor a Premier, nor does it have political parties. The Government of the United Kingdom appoints the Governor of the Territory. [3]

5. According to the administering Power, the Cayman Islands enjoys a full measure of internal self-government under the elected Legislative Assembly, from which five Council members are elected and given specific portfolios of responsibilities.

6. According to the administering Power, the independence of the judiciary is an integral component of the economic, social and political stability in the Cayman Islands. There are three levels of courts in the Cayman islands: the Summary Court, the Grand Court and the Cayman Islands Court of Appeal. The Summary Court is presided over by one of two magistrates. It deals with civil disputes up to 2,000 Cayman Island dollars and all but the most serious criminal offences. The Juvenile Court, which is also a court of summary jurisdiction, generally sits with three justices, one of whom must be a woman. Appeals from the Summary Court lie to the Grand Court, which is presided over by the Chief Justice or by one of the two Puisne Judges. The Grand Court has both civil and criminal jurisdiction and administers the common law and the law of equity of England, as well as locally enacted and applied laws. The Cayman Islands Court of Appeal was established by an amendment to the Constitution Order in 1984 (S.I. No. 126), before which appeals were heard by the Jamaican Court of Appeal. It sits, when required, to hear appeals from the Grand Court and is at present presided over by the former Chief Justice of Jamaica. Appeals from the Cayman Islands Court of Appeal lie to the Judicial Committee of the Privy Council.

7. The appointment of all members of the judiciary are made by the Governor in accordance with directions given by the Secretary of State for Foreign and Commonwealth Affairs in her Majesty's Government.

8. According to the administering Power, access to the courts is available to all without restriction and, under the Legal Aid Law, legal aid is available for all serious criminal offences to those unable to pay for their defence. Unfettered reporting by the press of criminal and civil proceedings in open court also bolsters the independence of the judiciary.

III. Economic, social and educational conditions

9. According to the administering Power, during the period under review, the former Department of Trade and Labour became the Department of Human Resources and increased its staff to seven. It handled around 148 complaints and a steady flow of informal complaints was investigated and resolved. A total of 65 cases were settled at labour hearings. The number of people seeking jobs decreased from 510 in 1994 to 338 in 1995. Although some job seekers found work, the number of applicants continued to outnumber job vacancies. The Department also initiated a job counselling programme. This involved the use of video

tapes to help lesser skilled and unskilled persons with their applications. Successful prosecutions against various violations of the Labour Law arose and a number of Labour Law amendments were passed in the Legislative Assembly. These included amendments dealing with the appointment of various labour tribunals and a labour relations board. At year's end, they were awaiting the Governor's assent and gazetting.

10. The Labour Law provides, in section 6, that every employer who enters into a contract of employment with an employee other than a casual employee or a person employed as a household domestic shall, within 10 working days of entering into such contract, furnish the employee with a written statement of his/her conditions of employment stating the matters set forth below:

(a) Job title, a brief statement of the general responsibilities and duties of the employee and of any special requirements or conditions of the job;

(b) Regular hours of work, together with any particular terms or conditions relating to the hours of work;

(c) Rate of remuneration or the method by which it may be calculated;

(d) Intervals at which remuneration is to be paid;

(e) In the case of employees whose pay is normally stated on some basis other than hourly, the hourly equivalent save that, in case of persons remunerated wholly or in part by commission, the rate of commission should be stated;

(f) Period of employment, if other than indefinite;

(g) Period of probation, if any;

(h) Employee's holiday entitlement or the method by which it may be calculated;

(i) Employee's entitlement to sick leave; and

(j) Length of notice which the employee is obliged to give and is entitled to receive to terminate the contract of employment.

Failure to furnish such a statement is a criminal offence.

A. Trade Unions

11. According to the administering Power, trade union activity is governed by the Trade Union Law. Everyone is free to join a trade union. All trade unions must be registered by the Registrar of Trade Unions. Peaceful picketing is permitted. Trade disputes, including strikes, are permitted also.

12. "Trade dispute" means, under this law, any dispute between employers and work persons, or between work persons, which is connected with the employment or non-employment, the terms of the employment or with the conditions of labour of any person.

B. Social Security

13. The administering Power stated that although there had in the past been no social security scheme, including social insurance as such, the position would be subject to change in 1997. Under section 4 (1) of the National Pension Law of 1996, every employer in the Cayman Islands shall provide a pension plan or make contribution to a pension plan for every person employed by him in the Cayman Islands. The regulatory details of these arrangements will be finalized in the course of 1997.

14. In addition, financial assistance to indigent and elderly persons is available from the Social Security Services Department.

15. The principal laws designed to promote such protection are:

Age of Majority Laws, 1977;

Estates Proceedings Law, 1974;

Youth Justice Law, 1995;

Maintenance Law (Revised);

Marriage Law (1995 Revision);

Married Women's Property Law;

Matrimonial Causes Law (Revised);

Poor Persons Relief Law (Revised);

Sex Disqualification (Removal) Law;

Succession Law (1995 Revision);

Wills Law (Revised);

Summary Jurisdiction (Domestic Violence) Law, 1992.

16. According to the administering Power, the aim and effect of legislation and action by the Government in these areas is to create a society in which individual effort is rewarded while a cushion is provided – often with voluntary help – for the less fortunate.

17. Hence, although there are no housing grants, there is a government-sponsored scheme under which long-term mortgages are being provided for low-cost homes at low interest rates.

18. The Department of Social Services provides a full range of social work services. These include financial assistance for the care of mothers and young children, advocacy for this vulnerable section of the population and operation and staffing of two caring homes, one for boys and for girls, each with 12 places, as well as a foster-care programme. The caring homes were both provided as a result of public fund-raising efforts.

C. Maternity protection

19. According to the administering Power, under the Health Services (Fees) Regulations of 1975, contraceptive services are provided free of charge, in addition to free antenatal service which is already being provided to all residents irrespective of nationality.

20. The Labour Law provides for 12 weeks mandatory maternity leave in a year, after 12 months of service, of which four weeks will be paid leave. The leave entitlement is on a *pro rata* basis for workers with less than 12 months of service. The General Orders (which regulate terms and conditions of employment in the civil service) have been amended to provide for 12 weeks of maternity leave to women in the civil service who have completed 12 months of service.

D. Protection of children and young persons

21. The Youth Justice Law of 1995 is considered as the main instrument. In addition, other relevant laws are:

Adoption of Children Law (Revised);

Education Law of 1993 and the 1971 regulations;

Guardianship and Custody of Children Law (Revised);

Juveniles (Joint Trials with Adults) Law;

Legitimation Law (Revised).

22. The Education Law provides for the compulsory medical inspection of all schoolchildren. Children who, for whatever reason, are separated from their mothers may be placed in voluntary care with foster parents in one of the two residential care facilities in the Cayman Islands. Adoption overseas is an alternative as a last resort. Delinquent minors are also accommodated in the two caring homes or with foster parents.

23. A school for disabled children, founded in 1975 as a volunteer project, is now operated by the Government. In addition, the Government has established the Sunrise Adult Training Centre, which teaches life skills and crafts, mostly ceramics, to disabled adults.

24. Measures to protect children and young persons from exploitation are provided by the Juvenile Law. The National Council for Social Services, a voluntary body subsidized by the Government, runs a number of preschool facilities and gives support in various ways to the children of broken homes.

25. The Youth Justice Law, in particular sections 42 to 46, places restrictions on the employment of children. The school-leaving age is 15 years and 9 months.

E. Employment

26. Given the Islands' buoyant economy and generally full employment situation, which provides one of the highest standards of living in the region, the Government has seen no need to legislate specifically on the achievement of an adequate standard of living.

F. Right to adequate food

27. The administering Power stated that the Government of the Territory had also seen no need to legislate on the right to adequate food, preferring the practical course of extending the already wide range of basic foodstuffs exempted from the import duty tariff, which provides much of its revenue. The list of duty-free imports now includes milk, rice, raw sugar, wheat flour, potatoes, all poultry, salt beef, salt fish, cheese, coffee and cornmeal.

28. Through the Department of Agriculture, the Government has continued to extend its programmes to encourage the reduction of the Islands' dependency on imported food. All agricultural equipment and supplies are admitted free of import duty, as are pure-bred livestock (cattle, goats and chickens) brought in by the Department for local farmers as part of the drive to upgrade the Islands' livestock. Bull's semen is also imported and is successfully used in upgrading and expanding local cattle herds. Within the restrictions of land quality and water supply, emphasis is being placed on innovative technology, including the use of hydroponics and irrigation schemes, to increase

production. The Government has undertaken to ensure the future development of the agricultural sector and, to that end, has adopted a five-year development plan for the sector.

29. The Department's experimental farm continues to test different varieties of plants and growing methods and the results are reported to district meetings of farmers arranged in cooperation with the local Agricultural Society.

30. To protect groundwater resources and prevent degradation due to over-pumping or saltwater intrusion, the abstraction of water is regulated under the Water Authority Law of 1982 and its regulations of 1985. Lectures and farm visits by Department staff are used to disseminate knowledge and advice on food production and conservation.

31. The Government has hired an agronomist to advise on new techniques of food production and has opened a new farmers' market for the marketing of local produce. The market is leased by the Cayman Islands Farmers' Cooperative and managed by a government-employed agricultural marketing officer.

32. According to the administering Power, knowledge of the principles of nutrition is disseminated through social education in schools, by public health nurses in government health centres and through articles in the local press. Educational programmes on nutrition are organized through the hospital nutritionist.

G. Right to adequate clothing

33. According to the administering Power, no laws have been considered necessary to ensure the right to adequate clothing. In a tropical climate such as that of the Cayman Islands there is little, if any, problem over the provision of clothing. Although none is produced commercially on a large scale in the Islands, adequate clothing is available to all. Distribution of clean used clothing to needy families is undertaken by voluntary bodies such as service clubs. The Department of Social Services provides free school uniforms and other clothing to children in foster care or in the caring homes as well as to other children whose families are financially unable to provide adequate clothing for them.

H. Right to housing

34. According to the administering Power, no law proclaims a right to housing, but the Housing Development Corporation Law of 1981 provides for the promotion of housing development.

35. There is a building code which includes provisions to meet earthquake and hurricane hazards and other public safety concerns. An electrical code and plumbing policies have been established, including licensing and inspectorate provisions.

36. In its report, the administering Power also stated that a programme for the improvement of sub-standard tenanted housing had begun in 1990 in Grand Cayman. A public piped-water supply covers most of the Grand Cayman, thus greatly reducing the health risks associated with using groundwater underlying heavily populated areas. Plans are in hand to provide a piped-water supply to the smaller island of Cayman Brac. The development of groundwater resources and the establishment of two reservoirs in rural districts has also improved the supply.

37. The administering Power added that the provisions of sanitary facilities for indigents, a rodent control programme and the extension of refuse collection services have all contributed to the improvement of sanitary conditions. There are regulations governing the collection and disposal of infectious wastes.

38. The Public Health Law of 1991 contains provisions covering such matters as the suppression and prevention of illness and the treatment of sexually transmitted diseases. Other relevant laws are the Health Services Law and the Mental Health Law.

I. Sports

39. According to the administering Power, the Government has given priority to sports in its social services programming. The Government hopes to build public awareness of the need for recreation and exercise because of: their immediate health-related benefits; their effect on national consciousness and productivity; their role as an alternative to more unhealthy or pathological social conditions (such as drug abuse).

40. The administering Power added that there were approximately 30 national sporting organizations which catered to both domestic and international needs. They include organizations for track and field athletics, basketball, badminton, lawn tennis, cricket, soccer, rugby, squash, boxing, swimming, bodybuilding, various martial arts, volleyball, netball, cycling and softball. Most of these national organizations fall under the umbrella of the local Olympic Committee and many are affiliates of the relevant international governing body.

41. These national organizations are supported by government cash grants and some technical assistance from the government Sports Office and the Cayman Islands Sports Council. Together with recreational users, they have free use of physical facilities provided by the Government, including playing fields, changing rooms, hard courts, public beaches and a public swimming pool with instructors.

J. Public health

42. According to the administering Power, the stillbirth rate and the infant mortality rate are both very low. Among factors contributing to their reduction are the provision of free antenatal and postnatal care, improved immunization coverage (now 90 per cent) for infants and health education for schoolgirls and mothers.

43. The administering Power stated further that health information was disseminated through social education in the schools. The school health programme has been intensified to include medical inspections and health screening for all school children. A family life education curriculum has been introduced at all levels of the school system. This includes segments on drug problems and on acquired immunodeficiency syndrome (AIDS). A health educator has been secured on a two-year contract. Under her guidance, public education programmes will be intensified. All outpatient services at government hospitals continue to be free of charge to all school children.

44. The administering Power adds that the Public Health Law of 1981 provides basic coverage in the areas of water quality, nuisance abatement, offensive trades, prevention or suppression of disease, solid waste management and rodent control. Some administrative and programme changes have been introduced in order to strengthen environment health activities, with emphasis on water quality, surveillance, sanitation, solid waste management and rodent control. Cooperation and consultation among government departments has led to better monitoring of the environmental effects of large-scale developments. A technical committee advises government bodies when required.

45. According to the administering Power, there has been a steady growth of vaccination programmes aiming towards the target of having every infant protected against poliomyelitis, diphtheria, whooping cough, tetanus, tuberculosis, mumps and rubella. Vaccines are available through the hospitals and district health centres. A notification and surveillance system guarantees that appropriate steps are taken to control any epidemic. Incidence of communicable disease is very low and the necessary facilities are available for the management of those few cases that occur. Traffic accident prevention measures include lowering of speed limits and their active enforcement. Through the media, public education is carried out on the use of seat belts for drivers and of safety seats for infant passengers and on the dangers of mixing driving with alcohol or drug abuse.

46. Two hospitals and four health centres put medical care within reach of all residents of the three islands. In the district health centres, public health nurses provide primary care and doctors visit on a regular basis to provide medical care. A radio control system ensures quick despatch of ambulances to any accident and hospitals are equipped to deal with most trauma cases. In exceptional cases, an air ambulance takes victims overseas for treatment. The expenditure on health and medical services in 1994 was 12.6 million Cayman Island dollars, with a further $2.2 million in local currency for overseas medical services.

47. In 1990, the Government accepted a policy document for the planning of health delivery systems in the Cayman Islands. The government services are complemented by a wide range of private practitioners. Those who cannot pay the charges at the government facilities can obtain free care through the social services.

The following are 1994 statistics:

Number of hospitals	2
Number of hospital beds	77
Physicians per 10,000 people	14.7
Dentists per 10,000 people	3.7
Nurses per 10,000 people	45
Infant mortality	13
Stillbirths	2

K. Education

48. According to the administering Power, in addition to the privately operated educational institutions in the Cayman Islands, the Government maintains, entirely at public expense, nine primary, one middle, two secondary schools and a special school for mentally or physically disabled pupils (units for those with impaired hearing or sight form part of the primary school).

49. The administering Power added that the scholarships for the pursuit of higher education were available from the

Government to applicants who possess four or more General Certificate of Secondary Education passes. The amount provided for scholarships in the budget for 1994 is 8.7 million Cayman Island dollars in total. A student soft loan scheme has also been made available by the Caribbean Development Bank for the pursuit of vocational, technical or professional studies overseas. Teacher training is carried out by the Education Department.

50. According to the administering Power, the Education Law of 1983 established free compulsory education for all children between 5 and 16 years of age. Education is in fact available at public expense to all children from the age of three years and nine months, should their parents desire it. The law also established an Education Council comprised of 12 members to promote education and the development of schools.

51. The regular attendance of school pupils is required by law. Parents whose children fail to attend without lawful excuse are liable to fines. All children who reside in the outer districts are transported free of charge to the capital, George Town, to attend the middle, secondary or special schools. Children from indigent families are provided with free lunch at government expense at their school of attendance.

52. The middle school was constructed in 1979 and phase one came into operation in September of that year. Phases two and three were constructed in 1980 and 1989 respectively.

53. The secondary schools are fully staffed by professionally qualified teachers. Among courses available to secondary school students are a range of vocational and technical courses, including carpentry, automobile mechanics, technical drawing, computer science and secretarial science.

54. Non-denominational religious instruction is required to be given in every government school.

55. Physical education is among the "core" school subjects. Every child has at least 80 minutes of physical education every week. This is supplemented by numerous after-school extracurricular sports activities. Several competitions catering for the athletic abilities of the young child are organized.

56. According to the administering Power, a total of 271 teachers are employed in the public education system. The ratio of teachers to pupils at primary school level is 14:3; at the middle school level 11:6; and at the secondary school level 7:6.

57. The Government maintains, by grant funds covering operating expenses, a community college, which was established by the Community College of the Cayman Islands Law of 1987. The college, which is under the management of a Board of Governors, offers a variety of evening courses (vocational or technical, academic or recreational), as well as full-time or part-time courses during the day. There are four departments: technology, hospitality, business studies and general studies. Its particular role is to provide educational opportunities for adults and others who have for whatever reason been excluded from the mainstream of higher education. Assistance is provided for a number of in-service training activities in the public sector.

58. In addition to the educational institutions provided by the Government, there are six primary schools and five small secondary schools maintained by recognized churches. The Government gives annual grants and other assistance.

L. Culture

59. According to the administering Power, the Government recognizes the right of everyone in the Cayman Islands to take part in cultural life and to enjoy the benefits of scientific progress and its applications. The patent and copyright laws of the United Kingdom are applied in the islands, giving protection locally to investors, writers, artists and others.

60. There are now four main bodies with responsibilities for coordinating and promoting activities in this area. They are: the Cayman National Cultural Foundation, which operates the Harquail Theatre under the Cayman National Cultural Foundation Law of 1984; the Cayman Islands Museum, which operates under the Museum Law of 1979; the National Trust for the Cayman Islands, which operates under the National Trust for the Cayman Islands Law of 1987; and the Public Library, which operates under the Public Library Law (revised). All these bodies receive funding support from the Government.

61. Among local groups using the Harquail Theatre for stage productions have been the Cayman Islands high school drama students, school children in the National Children's Festival of Arts and the Northward (Prison) Players. Musical groups using the Theatre have included the National Choir, the Music Club and, from time to time, various gospel choruses. The Theatre has also been found to be an appropriate venue for display exhibitions by the Visual Arts Society, the Garden Club, the Education Department and other groups. It has therefore become a true community resource. A private group, the Cayman Drama Society, also completed a theatre facility of its own in 1990.

62. In addition to managing the Harquail Theatre property, the Cayman National Cultural Foundation encourages various forms of cultural expression.

M. Cayman National Cultural Foundation

63. The Board of the Cayman National Cultural Foundation has as its main operating concern the management of the Harquail Theatre, built in 1984 almost entirely from funds and on land given for the people of the Cayman Islands by a private benefactor, Mrs. Helen Harquail. The surrounding lands, some 12 acres in all, is also administered by both local and visiting artists.

N. Cayman Islands Museum

64. The Cayman Islands Museum opened in 1990 in the Old Courts Building, the oldest existing public building in the Cayman Islands, which had been extensively renovated and refurbished. The Museum features permanent and changing exhibitions, as well as occasional travelling exhibitions. Various categories of membership are available, geared to produce as widespread public support as possible as well as to solicit voluntary contributions.

65. The Museum also works with the National Trust on the Memory Bank oral history project.

66. The Board of the Museum is charged with the management of the Museum, with the support of staff who are publicly appointed and paid.

67. There is also a museum featuring Brac artifacts in Cayman Brac, housed in the former District Administration Building.

O. Cayman Islands National Trust

68. According to the administering Power, the Trust was established in 1987 for the purposes of: (a) the preservation of the historic, natural and maritime heritage of the islands through the preservation of areas, sites, buildings, structures and objects of historic or cultural significance; (b) the conservation of lands, natural features and submarine areas of beauty, or of historic or environmental importance which the Trust may have acquired through gifts, bequests, purchase, lease or other means; and (c) the protection of native flora and fauna.

69. The Trust has so far been given three properties to manage: the Salinas in the eastern interior, a 650-acre plot which is to be preserved in its natural condition; the ruins of Fort George in George Town; and an area in Frank Sound.

70. The Trust is also working on the compilation of a Heritage Register of properties which seem to typify various aspects of Caymanian architecture and culture more generally. In addition, district councils of the Trust are working on a variety of individual programmes.

71. A captive breeding programme for the Cayman Blue Iguana, *cyclura nubila lawis*, has been successfully initiated by the Trust with the assistance of the Life Fellowship Foundation of Tampa, Florida. A programme of public education on the Grand Cayman and Cayman Brac parrots (*Amazona leucocephela Caymanesis*) has also been undertaken with assistance from the Rare Bird Centre of Philadelphia, Pennsylvania.

72. There are public libraries in George Town and East End of Grand Cayman and at Stake Bay on Cayman Brac. They have a collection of some 22,000 volumes, including reference, local history and large private materials books or cassettes and video cassettes. There are facilities at each library for children.

P. Archives and Records Office

73. According to the administering Power, the Archives and Records Office, established in 1988, has developed rapidly. Physical facilities for it and enabling legislation is now being prepared. Progress is being made with the collection of local archival material from various sources. The archivist has been involved with the Memory Bank project since the establishment of the office.

Q. Drug control

74. It was reported that the police seized 3,193 lbs. of cocaine during the first nine months of 1996. The Cayman Islands police was commended for covering illicit drug operations and the arrest of cocaine traffickers. [4]

R. Money laundering

75. Legislation on commercial crime was passed in November 1996. After the role of banks in the Cayman Islands in money laundering was revealed, the police and bank officials have become more alert to such schemes. The

Government of the Cayman Islands is under pressure to scrap the banking secrecy law.[5]

S. Financial matters

76. It was reported that the Cayman Islands Stock Exchange started operating on 2 January 1997, at the same time as the establishment of a Monetary Authority, formed by the amalgamation of the Government's Financial Services Supervision Department and the Currency Board. Initially, it was expected that applications for Stock Exchange listing would take three days to process, but its acting Chief Executive stated that he planned to bring the time down to two days. [6]

IV. Future political status

A. Position of the administering Power

77. Information on the position of the administering Power is contained in paragraphs 34, 35 and 36 of document A/AC.109/2075.

B. Action by the General Assembly

78. On 27 March 1997, the General Assembly adopted, without a vote, resolution 51/224 B, section V of which particularly concerns the Cayman Islands.

Notes

[1] The working paper is based on information provided by the administering Power under Article 73 *e* of the Charter of the United Nations, as well as from public published sources.

[2] *Caribbean Insight*, January 1997.

[3] *The Associate*, a periodic update, Economic Commission for Latin America and the Caribbean Development and Cooperation Committee, 1 February 1997.

[4] *Caribbean Insight*, November 1997.

[5] *Financial Times*, London, 3 March 1997.

[6] *Caribbean Insight*, January 1997.